

**RESOLUTION NO. [2868]**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AUTHORIZING THE PRESIDENT OF THE CORPORATION OR THE PRESIDENT'S DESIGNEE TO ENTER INTO A CONTRACT FOR RATINGS DATA AND SECURITIES PRICING SUBSCRIPTION SERVICES AND THE UTILIZATION OF CERTAIN FUNDS FOR THE PURCHASE OF SUCH SERVICES

WHEREAS, the New York State Environmental Facilities Corporation Act, Title 12 of Article 5 of the Public Authorities Law of New York State, as amended, established the New York State Environmental Facilities Corporation (the "Corporation") as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, ratings data, analytics and securities pricing subscription services are necessary to provide critically important information supporting credit analysis, leveraged financings, investments and other tasks related to both the Clean Water and Drinking Water State Revolving Funds; and

WHEREAS, the Corporation is authorized to enter into contracts to carry out its purposes; and

WHEREAS, pursuant to Section XII (A) (1) of the Procurement Guidelines, contracts with a value in excess of \$300,000 in aggregate through the life of the contract, including any renewals or extensions, require the approval by the Board of Directors; and

WHEREAS, pursuant to Section XII (A) (2) of the Procurement Guidelines, a contract for services for a term in excess of one year requires the approval by the Board of Directors; and

WHEREAS, it is the recommendation of the Corporation's staff that the Board of Directors authorize the procurement of ratings data and securities pricing subscription services from the services identified in Exhibit A (the "Service Providers") on a single source basis; and

WHEREAS, subject to any required approvals by the Office of the State Comptroller, the Board of Directors desires to authorize the President of the Corporation or the President's designee to negotiate and enter into contracts with the Service Providers for such purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The President of the Corporation or the President's designee are hereby authorized to negotiate and enter into single source contracts with the Service Providers, identified in Exhibit A, to purchase rating data and securities pricing subscription services for the Corporation. The maximum term for any such contract shall be for a period not to exceed five years, including any renewals or extensions from the date of this resolution. The fee for the contracted services authorized herein shall be for an amount not to exceed \$500,000 per Service Provider contract. The contracts shall include such other terms and conditions as the President or the President's designee determine appropriate and in the best interest of the Corporation.

Section 2. This Resolution shall take effect immediately upon its adoption.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

**Exhibit A**  
Ratings Data, Analytics and Securities Pricing Subscription Services

| Service  | Current Cost Per Year * |
|--|-------------------------|
| S&P Ratings Direct (2 licenses)                              | \$26,753                |
| S&P Ratings Xpress   | \$30,723                |
| Moody's Analytics/Municipal National<br>(5 licenses)         | \$68,500                |
| Fitch Solutions (3 licenses)                                 | \$14,035                |
| ICE Data Pricing and Reference Data<br>(Bloomberg Muni Eval) | \$13,347                |
| Refinitiv (Thomson Reuters Global Markets)                   | \$8,472                 |
| Bloomberg Terminal   | \$27,420                |
| Executive Information Systems<br>(SAS Software)              | \$23,814                |

\*Cost per year reflects the State Government rate and may increase each year.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

**RESOLUTION NO. 2869**

**A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL  
FACILITIES CORPORATION AUTHORIZING THE TRANSFER OF  
CERTAIN FUNDS TO THE NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION AND ESTABLISHING THE  
TERMS AND CONDITIONS THEREOF**

WHEREAS, the New York State Environmental Facilities Corporation ("EFC"), a public benefit corporation established by Chapter 744 of the Laws of 1970, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), is the custodian of the Clean Water State Revolving Fund ("CWSRF") pursuant to §1285-j of the Act; and

WHEREAS, the New York State Department of Environmental Conservation ("DEC"), an agency of the State of New York, is empowered to conserve, improve and protect the State's natural resources and environment; and

WHEREAS, EFC, through its administration of the CWSRF, and DEC each undertake activities to enhance water quality in the State; and

WHEREAS, DEC has requested that EFC transfer to DEC certain funds related to the CWSRF to enable DEC to undertake certain water quality activities.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

**SECTION 1. FUNDING AND TERM**

Commencing upon the effective date of this resolution and continuing until March 31, 2022, the President of EFC is hereby authorized to pay or cause to be paid to DEC up to \$3,500,000 for State Fiscal Year 2021.

The funds to be paid hereunder shall be transferred to an account held by the Office of the State Comptroller upon written request received from an authorized representative of DEC.

**SECTION 2. CONDITIONS TO FUNDING**

The funding authorized in Section 1 above is subject to the following conditions:

A. Prior to receiving any payments under Section 1 above, DEC's Director of Management and Budget shall certify to EFC in writing that DEC is fully authorized to accept funds paid to it hereunder and to apply such funds in the manner described herein.

B. The Federal Capitalization Grant relating to the year in which any payment is to be made shall permit the use of CWSRF non-program funds in the manner described herein.

C. DEC's use of the funds paid hereunder is limited to "water quality purposes" as permitted by the Clean Water Act and the rules, regulations and guidance related thereto, including, without limitation, 70 FR 61039 (collectively, the "CWSRF Rules"). The certification referred to in Section 2.A above shall include a representation by such official that funds paid hereunder are eligible for transfer under, and will be used for, water quality activities in a manner consistent with, the CWSRF Rules.

D. Prior to receiving any payments under Section 1 above, DEC will provide EFC with separate time and activity data regarding the use of funds paid under Section 1 adequate to demonstrate compliance with the CWSRF Rules.

E. EFC's source of funds for the payments authorized hereunder shall be limited to administrative fees it collects from recipients of CWSRF financial assistance to the extent such fees are not considered program income under the CWSRF Rules.

F. DEC shall maintain the position of Mechanic with Division of Operations at the DEC Fleet Facility – to provide maintenance for EFC vehicles.

### SECTION 3. TERMINATION OF FUNDING

A. In the event the source of funds referred to in Section 2.E above is inadequate to provide payment at the time payment is required to be made, the authorization in Section 1 shall be deemed to be revoked permanently.

B. The authorization in Section 1 shall be deemed to be revoked permanently in the event that the CWSRF Rules are revised with the effect of prohibiting EFC from complying with the terms hereof.

### SECTION 4. MISCELLANEOUS

The President and Controller are hereby authorized and directed to execute and deliver any such other documents, agreements, instruments, certificates or affidavits, to do and cause to be done any such other acts and things as they may determine are necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution.

This Resolution shall take effect immediately upon its adoption.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

**RESOLUTION NO. [2870]**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATION FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND AND THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT

Funding Increase

Chesterfield (T) - Project No. 18275

WHEREAS, by Resolutions Nos. 2640 and 2641 (the "Town's Authorizing Resolutions") adopted on April 11, 2019, the Board authorized a short-term interest-free financing for a maximum principal amount not to exceed \$5,399,470, a Drinking Water State Revolving Fund Grant ("DWSRF Grant") award for a maximum grant amount of \$2,000,000, and a Water Infrastructure Improvement Act Grant ("WIIA Grant") award for a maximum grant amount of \$1,000,000 to be made by the Corporation to the Town of Chesterfield (the "Town"); and

WHEREAS, on April 17, 2019 the Public Authorities Control Board adopted Resolution No. 19-EF-766 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Town of Chesterfield for the maximum aggregate principal sum of \$8,399,470, which included the \$2,000,000 DWSRF Grant and \$1,000,000 WIIA Grant, pursuant to a Project Finance Agreement executed between the parties, which closed effective May 16, 2019; and

WHEREAS, the overall cost of the project has increased and supplemental funding is necessary in order to complete construction of the project; and

WHEREAS, the Board desires to authorize an increase in the aggregate principal amount of the financing associated with the Town of Chesterfield asset forth herein.

Funding Increase and Extension of the Financing Maturity Date

Mechanicville (C) – Project No. 18038

WHEREAS, by Resolutions Nos. 2457 and 2458 (the "City's Authorizing Resolutions") adopted on November 17, 2016, the Board authorized a short-term interest-free financing for a maximum principal amount not to exceed \$2,624,000, a DWSRF Grant award for a maximum grant amount of \$1,491,240, and a WIIA Grant award for a grant

amount of \$884,760 to be made by the Corporation to the City of Mechanicville (the "City") ; and

WHEREAS, on December 27, 2016 the Public Authorities Control Board adopted Resolution No. 16-EF-704 approving the financing; and

WHEREAS, the financing was made by the Corporation to the City of Mechanicville for the maximum aggregate principal sum of \$5,000,000, which included the \$1,491,000 DWSRF Grant and \$884,760 WIIA Grant, pursuant to a Project Finance Agreement executed between the parties, which closed effective January 5, 2017; and

WHEREAS, the overall cost of the project has increased and supplemental funding is necessary in order to complete construction of the project; and

WHEREAS, the Corporation's staff has determined that it is necessary to extend the maturity date of the financing beyond the authorized five-year period from January 5, 2022 to January 5, 2023; and

WHEREAS, the Board desires to amend the financial assistance authorized to the City of Mechanicville to reflect an increase in the aggregate maximum principal amount of the financing and to extend the maturity date of the financing as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes the increase in the aggregate principal amount of the financing previously authorized to the Town of Chesterfield as set forth in Exhibit A. All other authorizations, determinations, terms and conditions contained in the Town's Authorizing Resolutions, and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes the increase in the aggregate maximum principal amount of the financing previously authorized to the City of Mechanicville as set forth in Exhibit B. In addition, the maturity date of the financing is hereby extended from January 5, 2022 to January 5, 2023. All other authorizations, determinations, terms and conditions contained in the City's Authorizing Resolutions, and any amendments relating thereto, shall remain in effect.

Section 3. This Resolution shall take effect immediately.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

## Exhibit A

| <u>Project<br/>Number</u> | <u>Applicant</u> | <u>County</u> | <u>Short-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal Amount</u> | <u>Maximum<br/>Amount<br/>DWSRF<br/>Grant</u> | <u>Initial<br/>Interest<br/>Rate</u> |
|---------------------------|------------------|---------------|--|---|--------------------------------------|
| 18275                     | Chesterfield (T) | Essex         | \$10,888,500   | \$2,000,000                                   | 0%                                   |

### Project Description

The project includes rehabilitation of the existing surface water treatment plant, as well as the installation of new groundwater sources and appurtenances necessary to integrate the new groundwater source with the existing system. Upgrades to the Town's distribution system will also be made. This project is further defined by the engineering report entitled "Preliminary Water System and Capital Improvement Plan" dated July 31, 2018 by the engineering firm AES Northeast, as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum WIIA Grant Amount</u> |
|-----------------------|------------------|---------------|----------------------------------|
| 18275                 | Chesterfield (T) | Essex         | \$1,000,000                      |

### Project Description

The project includes rehabilitation of the existing surface water treatment plant, as well as the installation of new groundwater sources and appurtenances necessary to integrate the new groundwater source with the existing system. Upgrades to the Town's distribution system will also be made. This project is further defined by the engineering report entitled "Preliminary Water System and Capital Improvement Plan" dated July 31, 2018 by the engineering firm AES Northeast, as may be updated, amended, supplemented, and approved by the Agency.



Exhibit B

| <u>Project Number</u> | <u>Applicant</u>  | <u>County</u> | <u>Short-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>DWSRF<br/>Grant</u> | <u>Initial<br/>Interest<br/>Rate</u> |
|-----------------------|-------------------|---------------|--|---|--------------------------------------|
| 18038                 | Mechanicville (C) | Saratoga      | \$3,037,000  | \$1,491,240                                   | 0%                                   |

Project Description

This project includes a new connection to the Saratoga County Water Authority (SCWA) system to supply the City of Mechanicville. The City's existing water treatment plant will be updated to improve plant function. The project also includes improvements to existing finished water storage tanks, distribution main replacement, and new water meters. This project is further defined by the engineering report entitled "Raw Water Transmission Upgrades" dated June 16, 2016 by the engineering firm O'Brien & Gere Engineers, Inc. as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u>  | <u>County</u> | <u>Maximum WIIA Grant Amount</u> |
|-----------------------|-------------------|---------------|----------------------------------|
| 18038                 | Mechanicville (C) | Saratoga      | \$884,760                        |

Project Description

This project includes a new connection to the Saratoga County Water Authority (SCWA) system to supply the City of Mechanicville. The City's existing water treatment plant will be updated to improve plant function. The project also includes improvements to existing finished water storage tanks, distribution main replacement, and new water meters. This project is further defined by the engineering report entitled "Raw Water Transmission Upgrades" dated June 16, 2016 by the engineering firm O'Brien & Gere Engineers, Inc. as may be updated, amended, supplemented, and approved by the Agency.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

**RESOLUTION NO. [2871]**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE DRINKING WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE DRINKING WATER PROJECTS FROM FUNDS APPROPRIATED FOR THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 413 of the Laws of 1996, as amended (the "DWSRF Act"), the Drinking Water State Revolving Fund (the "DWSRF") was established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the DWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the DWSRF Act, for the purpose of financing or refinancing water supply projects undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each of the water supply projects proposed to be financed or refinanced by such applicants through the short-term interest-free, short-term market-rate or long-term financings and/or grants descriptions of which are set out in **Exhibit A** hereto (collectively, the "DWSRF Projects"), constitute an "eligible project" within the meaning of the DWSRF Act as certified to the Corporation by the New York State Department of Health; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the DWSRF have been identified, and in the future the Corporation may seek the

Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the capital costs of water quality infrastructure projects as authorized by WIIA 2015, with up to \$50 million made available in State fiscal year ("SFY") 2015-16 (Round 1), up to \$175 million made available in SFY 2016-17 (Round 2), and \$175 million available in SFY 2017-18; and

WHEREAS, the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act"), invests \$2.5 billion in clean and drinking water infrastructure projects and water quality protection across New York, and no less than \$1 billion for purposes of the New York State Water Infrastructure Improvement Act of 2017, being Section 6 of the Infrastructure Act ("WIIA 2017" and together with WIIA 2015, "WIIA"); and

WHEREAS, WIIA directs that WIIA Grants be awarded only to water quality infrastructure projects, and that preference be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Corporation, in consultation with the New York State Department of Health ("DOH"), allocated \$112.5 million for drinking water WIIA Grants for State Fiscal Year ("SFY") 2017-18; and

WHEREAS, the Corporation, in consultation with DOH, allocated additional funds for drinking water WIIA Grants for SFYs 2018-19, 2019-20, and 2020-21; and

WHEREAS, the Corporation and DOH have determined the terms and conditions applicable to EC Grants and pursuant to WIIA, each round of drinking water WIIA Grant funding; and

WHEREAS, the Corporation has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA

and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept DWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek DWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any DWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

#### **SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS**

A. The Corporation has reviewed the information supplied by each financing applicant set forth in **Exhibit A**, in connection with its application for DWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the DWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the DWSRF Act, and to provide for the financing or refinancing of the DWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the DWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing and any extension thereof shall mature not later than five years from the date of the closing of such short-term Financing, and each long-term Direct Financing shall mature not later than thirty years from the date of the closing of such long-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the DWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date

of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive a interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary of the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing (including any grant), in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary of the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or the Secretary of the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

## **SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)**

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds, to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

## **SECTION 3. GENERAL**

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement, prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the

provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or the Secretary of the Corporation executing any such financing agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof shall be determined by either the Authorized Officers.

D. The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

E. This Resolution shall take effect immediately.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

## Exhibit A

### DWSRF Direct Financings (Short-Term and Long-Term Financings)

#### Short-Term Interest-Free Financings:

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Short-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>DWSRF<br/>Grant</u> | <u>Initial<br/>Interest Rate</u> |
|-----------------------|------------------|---------------|--|---|----------------------------------|
| 18289                 | Rome (C)         | Oneida        | \$13,500,000   | N/A   | 0%                               |

#### Project Description

This project consists of the construction and installation of a new elevated Storage Tank of approximately 500,000-gallon capacity, replacement of undersized mains with new distribution mains of approximately 75,000 LF, pump station improvements, and electrical and telemetry improvements. This project will improve water quality and provide adequate distribution pressure under all conditions including fire flow. In addition, this project will provide service to areas with private wells that are of poor water quality or limited quantity. The project is defined by the engineering report entitled "Phase-3 Northwest Rome Water System Improvements NYS Routes 46/49/Seifert Road/NYS Route 46/Townline Road" and Amendment No. 1, dated May 2016 by the engineering firm Dodson & Associate, PLLC Consulting Engineers as may be updated, amended, supplemented, and approved by the Agency.

#### Short-Term Market-Rate Financings:

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Short-Term<br/>Market-Rate<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>DWSRF<br/>Grant</u> | <u>Initial<br/>Interest Rate</u> |
|-----------------------|------------------|---------------|--|---|----------------------------------|
| 18623                 | Waverly (V)      | Tioga         | \$2,045,455  | N/A   | 4%                               |

#### Project Description

This project consists of replacement of approximately 16,000 linear feet of water main and associated valves, hydrants, laterals, and appurtenances. It also includes installation of a new standby generator at Well #3. The project is defined by the engineering report entitled "Preliminary Engineering Report for Water Distribution System" dated August 2019 by the engineering firm HUNT Engineers, Architects & Surveyors, as may be updated, amended, supplemented, and approved by the Agency.

## Exhibit B

### Financial Assistance Payment Recipients (DW WIIA Grants)

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| 18758                 | Ellicott (T)     | Chautauqua    | \$403,800                   |

#### Project Description

This project consists of rehabilitating an elevated 150,000-gallon water storage tank and associated tank upgrades at the Turner Road tank location. The project is defined by the engineering report entitled "Map, Plan & Report for the Town of Ellicott 2019 Water Tank Rehabilitation" dated September 2019 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u>       | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------------|---------------|-----------------------------|
| 18686                 | Jericho Water District | Nassau        | \$5,560,800                 |

#### Project Description

This project consists of installing new equipment at the water treatment facility for the treatment of emerging contaminants. The project is defined by the engineering report entitled "1,4 – Dioxane and PFOA Treatment at the Kirby Lane Facility" dated September 1, 2019 by the engineering firm D&B Engineers and Architects, as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u>       | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------------|---------------|-----------------------------|
| 18782                 | Jericho Water District | Nassau        | \$5,896,770                 |

#### Project Description

This project consists of installing new equipment at the water treatment facility for the treatment of emerging contaminants. The project is defined by the engineering report entitled "Wellhead Treatment for 1,4-Dioxane Removal at Well Nos. 9 and 14" dated December 2020 by the engineering firm H2M architects + engineers, as may be updated, amended, supplemented, and approved by the Agency.



| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| 18594                 | Olean (C)        | Cattaraugus   | \$911,454                   |

Project Description

This project consists of the replacement of approximately 4,300 linear feet of 8" DIP water main and associated appurtenances in the Washington Street Area between N. 4th and N. 15th. The project is defined by the engineering report entitled "Engineer's Report for Washington Street Watermain Replacement Project" dated July 2018 by the engineering firm HUNT engineers, Architects & Surveyors, as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| 18484                 | Rochester (C)    | Monroe        | \$1,560,000                 |

Project Description

This project consists of the installation of a cathodic protection system and interconnections for existing transmission mains. The project is defined by the engineering report entitled "Cathodic Protection and Interconnections Conduits 2 and 3 Rush and Mendon" dated June 22, 2017 by the engineering firm Wendel as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| 18289                 | Rome (C)         | Oneida        | \$3,000,000                 |

Project Description

This project consists of the construction and installation of a new elevated Storage Tank of approximately 500,000-gallon capacity, replacement of undersized mains with new distribution mains of approximately 75,000 LF, pump station improvements, and electrical and telemetry improvements. This project will improve water quality and provide adequate distribution pressure under all conditions including fire flow. In addition, this project will provide service to areas with private wells that are of poor water quality or limited quantity. The project is defined by the engineering report entitled "Phase-3 Northwest Rome Water System Improvements NYS Routes 46/49/Seifert Road/NYS Route 46/Townline Road" and Amendment No. 1, dated May 2016 by the engineering firm Dodson & Associate, PLLC Consulting Engineers as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| 18667                 | Southampton (T)  | Suffolk       | \$1,059,113                 |

Project Description

This project consists of the installation of water main for the purpose of extending the existing distribution system. The project is defined by the engineering report entitled "Distribution System Improvement" dated January 2019 by Suffolk County Water Authority, as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u>                            | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|---|---------------|-----------------------------|
| 18641                 | Upper Mohawk Valley<br>Regional Water Board | Oneida        | \$3,000,000                 |

Project Description

This project consists of the construction of a new redundant 54-inch approximately 5,400 LF parallel transmission main to convey 32 MGD capacity of raw water from the Hinckley Reservoir to the Water Treatment Plant. MVWA's existing transmission mains are vulnerable in drought conditions due to their hydraulic head level design. This project will allow the system to operate over a wider range of reservoir levels within the permitted withdrawal rate of 48.5 MGD. The project is defined by the engineering report entitled "Raw Water Transmission Upgrades" dated June 16, 2016 by the engineering firm O'Brien & Gere Engineers, Inc. as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| 18623                 | Waverly (V)      | Tioga         | \$3,000,000                 |

Project Description

This project consists of replacement of approximately 16,000 linear feet of water main and associated valves, hydrants, laterals, and appurtenances. It also includes installation of a new standby generator at Well #3. The project is defined by the engineering report entitled "Preliminary Engineering Report for Water Distribution System" dated August 2019 by the engineering firm HUNT Engineers, Architects & Surveyors, as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u>        | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|-------------------------|---------------|-----------------------------|
| 18646                 | Westbury Water District | Nassau        | \$680,850                   |

Project Description

This project consists of installing new equipment at the water treatment facility for the treatment of volatile organic compounds (VOCs) and emerging contaminants (perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). The project is defined by the engineering report entitled "State Street VOC Treatment Facility to Return Well 12 to Service – Revision 1" dated January 2021, by the engineering firm D&B Engineers and Architects, as may be updated, amended, supplemented, and approved by the Agency.

| <u>Project Number</u> | <u>Applicant</u>        | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|-------------------------|---------------|-----------------------------|
| 18692                 | Westbury Water District | Nassau        | \$7,389,000                 |

Project Description

This project consists of the installation of new equipment at the water treatment facility for the treatment of emerging contaminants. The project is defined by the engineering report entitled "1,4 Dioxane, PFOA and PFOS Removal at Drexel Avenue Station" dated March 2021 by the engineering firm D&B Engineers and Architects, as may be updated, amended, supplemented, and approved by the Agency.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

**RESOLUTION NO. [2872]**

**A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION AMENDING THE PRIOR AUTHORIZATIONS FOR FINANCIAL ASSISTANCE TO BE PROVIDED BY THE CORPORATION TO CERTAIN RECIPIENTS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND**

**Extension of the Financing Maturity Date and Modification of the Project Scope  
Cheektowaga (T) - Project No. C9-6653-05-00**

WHEREAS, by Resolutions Nos. 2454 and 2456 adopted on November 17, 2016 the Board of Directors (the "Board") authorized a five-year short-term interest-free financing for a maximum principal amount not to exceed \$15,000,000, and a Water Infrastructure Improvement Act Grant ("WIIA Grant") award for a maximum grant amount of \$5,000,000 to be made by the Corporation to the Town of Cheektowaga (the "Town"); and

WHEREAS, on December 27, 2016 the Public Authorities Control Board (the "PACB") adopted Resolution No. 16-EF-703 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Town of Cheektowaga pursuant to a Project Finance Agreement executed between the parties, which closed effective January 15, 2017; and

WHEREAS, the maximum five-year period of the financing will expire on January 5, 2022 and the Town of Cheektowaga requires additional time in order to complete construction of the project; and

WHEREAS, the original scope of the project associated with the Town of Cheektowaga's financing has been expanded to include sewer lining of large diameter sewer pipes; sewer lining of Town's Northeast Interceptor; and rehabilitation of additional sanitary sewer manholes; and

WHEREAS, the Board desires to authorize an extension of the maturity date of the Town of Cheektowaga's financing to January 5, 2024 and to authorize the modification of the project scope set forth herein.

Extension of the Financing Maturity Date  
Coxsackie (V) - Project No. C4-5468-01-00

WHEREAS, by Resolution Nos. 2454 and 2456 adopted on November 17, 2016, the Board authorized a five-year short-term interest-free financing for a maximum principal amount not to exceed \$7,696,875, and a WIIA Grant award for a maximum grant amount of \$2,565,625 to be made by the Corporation to the Village of Coxsackie (the "Village"); and

WHEREAS, on December 27, 2016 PACB adopted Resolution No.16-EF-703 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Village pursuant to a Project Finance Agreement executed between the parties, which closed effective December 22, 2016; and

WHEREAS, by Resolutions Nos. 2674 and 2676 adopted on September 10, 2019, the Board authorized an amendment to the Financing modifying the scope, increasing the funding principal amount not to exceed \$14,630,655, and approving additional WIIA Grant funding of \$2,375; and

WHEREAS, on September 11, 2019 PACB adopted Resolution No.19-EF-786 approving the amended financing; and

WHEREAS, the Corporation's staff has determined that it is necessary to extend the maturity date of the financing beyond the authorized five-year period to December 22, 2022; and

WHEREAS, the Board desires to amend the financial assistance authorized to the Village to extend the maturity date of the financing as set forth herein.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

## Extension of the Maturity Date and Modification of the Project Scope

### Ocean Beach (V) - Project Nos. C1-5122-07-00 & C1-5122-07-01

WHEREAS, by Resolutions Nos. 2454 and 2456 adopted on November 17, 2016 the Board authorized a five-year short-term interest-free financing for a maximum principal amount not to exceed \$9,295,366, and a WIIA Grant award for a maximum grant amount of \$3,098,455 to be made by the Corporation to the Village of Ocean Beach; and

WHEREAS, on December 27, 2016 PACB adopted Resolution No. 16-EF-703 approving the financing; and

WHEREAS, the financing was made by the Corporation to the Village of Ocean Beach pursuant to a Project Finance Agreement executed between the parties, which closed effective December 22, 2016; and

WHEREAS, the maximum five-year period of the financing will expire on December 22, 2021 and the Village of Ocean Beach requires additional time in order to complete construction of the project; and

WHEREAS, the original scope of the project associated with the Village of Ocean Beach's financing has been expanded to include additional new storm water sewer connections to green-ISC eligible modular wetland units and stormwater pumping station to overcome tidal forces; and

WHEREAS, the Board desires to authorize an extension of the maturity date of the financing from to December 22, 2021 to December 22, 2023, and a modification of the project scope as set forth herein.

## Extension Maturity Extension

### Tonawanda (C) - Project No.C9-6672-05-02

WHEREAS, by Resolution No. 2454 adopted on November 17, 2016, the Board authorized a short-term interest-free financing for a maximum principal amount not to exceed \$10,250,650 to be made by the Corporation to the City of Tonawanda; and

WHEREAS, on December 27, 2016 the PACB adopted Resolution No. 16-EF-703 approving the financing; and

WHEREAS, the financing was made by the Corporation to the City of Tonawanda pursuant to a Project Finance Agreement executed between the parties, which closed effective December 22, 2016; and

WHEREAS, by Resolution No. 2535 adopted on January 18, 2018, the Board authorized an amendment of the financial assistance provided to the City of Tonawanda to

reflect the award of a \$3,507,230 WIIA Grant; and

WHEREAS, the Corporation's staff has determined that it is necessary to extend the maturity date of the financing beyond the authorized five-year period to December 22, 2023; and

WHEREAS, the Board desires to amend the financial assistance authorized to the City extend the maturity date of the financing as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Board hereby authorizes the extension of the maturity date of the financing provided to the Town of Cheektowaga from January 5, 2022 to January 5, 2024, and the modification of the original project scope associated with the Town of Cheektowaga's financing as set forth in Exhibit A. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2454 and 2456, and any amendments relating thereto, shall remain in effect.

Section 2. The Board hereby authorizes the extension of the maturity date of the financing provided to the Village Coxsackie from December 22, 2021 to December 22, 2022. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2454 and 2456, and any amendments relating thereto, shall remain in effect.

Section 3. The Board hereby authorizes the extension of the maturity date of the financing provided to the Village of Ocean Beach from December 22, 2021 to December 22, 2023 and a modification of the original project scope associated with the Village of Ocean Beach's financing as set forth in Exhibit B. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2454 and 2456, and any amendments relating thereto, shall remain in effect.

Section 4. The Board hereby authorizes the extension of the maturity date of the financing provided to the City of Tonawanda from December 22, 2021 to December 22, 2023. All other authorizations, determinations, terms and conditions contained in Resolutions Nos. 2454 and 2535 and any amendments relating thereto, shall remain in effect.

Section 5. This Resolution shall take effect immediately.

Exhibit A

Short-Term Financing  
Maximum Principal  
Amount

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Interest Rate</u> |
|-----------------------|------------------|---------------|----------------------|
| C9-6653-05-00         | Cheektowaga (T)  | Erie          | 0%                   |

Project Description

This project consists of planning, design and construction of the Town of Cheektowaga Sanitary Sewer Rehabilitation – SSO Abatement Project. The project is defined by the engineering report entitled “NYS Clean Water State Revolving Loan Fund Engineer’s Report – Town of Cheektowaga, Erie County, New York” dated April 2016 (revised) by the engineering firm Nussbaumer & Clarke, Inc., as may be updated, amended, supplemented, and approved by the Corporation.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum WIIA Grant Amount</u> |
|-----------------------|------------------|---------------|----------------------------------|
| C9-6653-05-00         | Cheektowaga (T)  | Erie          | \$5,000,000                      |

Project Description

This project consists of planning, design and construction of the Town of Cheektowaga Sanitary Sewer Rehabilitation – SSO Abatement Project. The project is defined by the engineering report entitled “NYS Clean Water State Revolving Loan Fund Engineer’s Report – Town of Cheektowaga, Erie County, New York” dated April 2016 (revised) by the engineering firm Nussbaumer & Clarke, Inc., as may be updated, amended, supplemented, and approved by the Corporation.



Exhibit B

Short-Term  
Financing  
Maximum  
Principal  
Amount

| <u>Project Number</u>           | <u>Applicant</u> | <u>County</u> | <u>Interest Rate</u> |
|---------------------------------|------------------|---------------|----------------------|
| C1-5122-07-00,<br>C1-5122-07-01 | Ocean Beach (V)  | Suffolk       | 0%                   |

Project Description

This project consists of planning, design and construction for sanitary sewer replacement and installation of a separate stormwater collection and treatment system for the Villages North end to help mitigate flooding and develop resiliency. The project is defined by the engineering report entitle “Village of Ocean Beach Sanitary Collection System Condition Study” dated November 2020 and prepared by engineering firm D&B Engineers and Architects, P.C, as may be updated, amended, supplemented, and approved by the Corporation.

| <u>Project Number</u>           | <u>Applicant</u> | <u>County</u> | <u>Maximum WIIA Grant Amount</u> |
|---------------------------------|------------------|---------------|----------------------------------|
| C1-5122-07-00,<br>C1-5122-07-01 | Ocean Beach (V)  | Suffolk       | \$3,098,455                      |

Project Description

This project consists of planning, design and construction of the Town of Cheektowaga Sanitary Sewer Rehabilitation – SSO Abatement Project. The project is defined by the engineering report entitled “NYS Clean Water State Revolving Loan Fund Engineer’s Report – Town of Cheektowaga, Erie County, New York” dated April 2016 (revised) by the engineering firm Nussbaumer & Clarke, Inc., as may be updated, amended, supplemented, and approved by the Corporation.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

**RESOLUTION NO. [2873]**

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION MAKING CERTAIN DETERMINATIONS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH THE CLEAN WATER STATE REVOLVING FUND AND AUTHORIZING FINANCIAL ASSISTANCE PAYMENTS TO CERTAIN MUNICIPALITIES TO FUND ELIGIBLE CLEAN WATER PROJECTS FROM FUNDS APPROPRIATED FOR THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT

WHEREAS, pursuant to the New York State Environmental Facilities Corporation Act, being Chapter 744 of the Laws of 1970 constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), the New York State Environmental Facilities Corporation (the "Corporation") has been established as a body corporate and politic constituting a public benefit corporation; and

WHEREAS, pursuant to Chapter 565 of the Laws of 1989, as amended (the "CWSRF Act"), the Clean Water State Revolving Fund ("CWSRF") has been established in the custody of the Corporation; and

WHEREAS, the Corporation is charged with providing low cost financing to eligible recipients while maintaining the fiscal integrity of the CWSRF; and

WHEREAS, each of the applicants listed in **Exhibit A** hereto has submitted an application to the Corporation for financial assistance under the CWSRF Act, for the purpose of financing or refinancing projects eligible for assistance under 33 USC 1383 (c) and undertaken and completed or to be undertaken and completed by such applicants; and

WHEREAS, each project proposed to be financed or refinanced by such applicants through short-term interest-free, short-term market-rate or long-term financings, descriptions of which are set out in **Exhibit A** hereto (collectively, the "CWSRF Projects") constitute an "eligible project" within the meaning of the CWSRF Act; and

WHEREAS, with respect to the amounts identified in **Exhibit A**, the Corporation has, where necessary, identified funds available in excess of the amounts listed in the Intended Use Plan (the "IUP") or has made such moneys available through by-pass as provided in the IUP; and

WHEREAS, with respect to the short-term market-rate financings, available funds within the CWSRF have been identified, and in the future the Corporation may seek the Board of Directors' approval to issue its Corporation Bonds to fund any such projects; and

WHEREAS, the Corporation desires to provide such short-term interest-free, short-term market-rate or long-term interest-free financings to the respective applicants, in accordance with the terms and conditions set forth in **Exhibit A**, and as will be more fully set forth in the closing documents for the financings (the "Direct Financings"); and

WHEREAS, the New York State Water Infrastructure Improvement Act of 2015, being Part G of Chapter 60 of the Laws of 2015 ("WIIA 2015"), authorizes and directs the Corporation to provide financial assistance payments ("Grants"), from funds appropriated for such purpose, to municipalities in support of water quality infrastructure projects; and

WHEREAS, \$400 million was appropriated over a three-year period for the capital costs of water quality infrastructure projects as authorized by WIIA 2015, with up to \$50 million made available in State fiscal year ("SFY") 2015-16 (Round 1), up to \$175 million made available in SFY 2016-17 (Round 2), and \$175 million available in SFY 2017-18; and

WHEREAS, the Clean Water Infrastructure Act of 2017, being Part T of Chapter 57 of the Laws of 2017 (the "Infrastructure Act"), invests \$2.5 billion in clean and drinking water infrastructure projects and water quality protection across New York, and no less than \$1 billion for purposes of the New York State Water Infrastructure Improvement Act of 2017, being Section 6 of the Infrastructure Act ("WIIA 2017" and together with WIIA 2015, "WIIA"); and

WHEREAS, WIIA directs that WIIA Grants be awarded only to water quality infrastructure projects, and that preference be given to municipalities that meet the Corporation's hardship criteria and projects that result in the greatest water quality improvement or greatest reduction in serious risk to public health; and

WHEREAS, the Corporation, in consultation with the New York State Department of Environmental Conservation ("DEC"), allocated \$112.5 million for clean water WIIA Grants for State Fiscal Year ("SFY") 2017-18; and

WHEREAS, the Corporation, in consultation with DEC, allocated additional funds for drinking water WIIA Grants for SFYs 2018-19, 2019-20, and 2020-21; and

WHEREAS, pursuant to WIIA, the Corporation has determined the terms and conditions applicable to each round of WIIA grant funding; and

WHEREAS, the Corporation has completed an evaluation of the projects set forth in **Exhibit B** (hereinafter referred to as the "WIIA Projects"), determined that each WIIA Project constitutes an eligible "water quality infrastructure project" as defined in WIIA, and otherwise meets the criteria for award of a WIIA Grant; and

WHEREAS, the Corporation desires to provide WIIA Grants to the applicants listed in **Exhibit B** in support of water quality infrastructure projects in accordance with WIIA and subject to continuing compliance with applicable law as will be more fully set forth in the closing documents for the financing of each WIIA Project.

WHEREAS, pursuant to WIIA, a municipality is not required to accept CWSRF financing from the Corporation to receive a WIIA Grant; however, municipalities often seek CWSRF financing in addition to their WIIA grant to fund the total cost of their project; and

WHEREAS, for any CWSRF Project or WIIA Project subject to Article 6 of the Environmental Conservation Law, or the State Smart Growth Public Infrastructure Policy Act, the President has attested in a written Smart Growth Impact Statement that the project meets the relevant criteria as set forth in the Smart Growth Public Infrastructure Policy Act to the extent practicable or, if a Project does not meet the relevant criteria and compliance is considered impracticable, has provided a detailed statement of justification; and

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

### **SECTION 1. SHORT-TERM AND LONG-TERM FINANCINGS AND GRANTS**

A. The Corporation has reviewed the information supplied by each financing applicant, set forth in **Exhibit A**, in connection with its application for CWSRF financial assistance, and the Corporation hereby determines that it would be impracticable or inadvisable to finance all or a portion of the costs of the CWSRF Projects from the proceeds of bonds or notes that are special obligations of the Corporation. The filing of the determination contained in this Section 1.A in accordance with, and to the extent required by, applicable law and regulations by or at the direction of an officer of the Corporation is hereby authorized and confirmed.

B. To accomplish the purposes of the Act and the CWSRF Act, and to provide for the financing or refinancing of the CWSRF Projects, the Corporation is hereby authorized to provide the Direct Financings and/or the grants, from monies in the CWSRF, to the applicants listed in **Exhibit A** in compliance with applicable law. Each Direct Financing shall be in a principal amount (including additional subsidization, if any) not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A** and shall bear interest at rates not in excess of those set forth in **Exhibit A**. Each short-term Direct Financing shall mature not later than five years from the date of the closing of such short-term Direct Financing. Principal amounts and maturities are to be determined by either the President, any Vice President, Chief Financial Officer, General Counsel, or Controller (collectively, the "Authorized Officers") of the Corporation.

The Corporation is further authorized to guarantee the payment of each short-term market-rate financing from monies and assets held in the CWSRF, each short-term market-rate financing shall be in a principal amount not exceeding the principal amount set forth opposite the name of the applicant in **Exhibit A**; shall mature not later than five years from the date of the closing of such short-term market-rate financing; and shall initially bear interest at a rate or rates not in excess of those set forth in **Exhibit A** and as may be determined by any Authorized Officer from time to time in accordance with the provisions of the financing agreement. Each short-term market-rate financing shall remain eligible to compete for and receive an interest rate subsidy if authorized in the current IUP and in the event that the project score so qualifies under such IUP, which subsidy shall be provided in accordance with the

provisions of the financing agreement. Further, if authorized in the IUP, each short-term market-rate financing remains eligible to apply for a zero-interest rate (hardship) determination and receive interest rate subject to and in accordance with the applicable IUP.

C. The Authorized Officers and the Secretary of the Corporation are each hereby authorized to prepare, execute, acknowledge and deliver to each applicant a financing agreement for such applicant's Direct Financing, in such form as shall be determined by any Authorized Officer, with such amendments, supplements, changes, insertions and omissions as may be approved by any Authorized Officer. The Chief Financial Officer and the Secretary of the Corporation are each hereby authorized to affix the seal of the Corporation on such documents and attest the same. The execution of such documents by an Authorized Officer or Secretary of the Corporation shall be conclusive evidence of any approval or determination authorized or required by this Section 1.C or by Section 1.B of this Resolution.

## **SECTION 2. FINANCIAL ASSISTANCE PAYMENTS (WIIA GRANTS)**

A. The Corporation has reviewed the information supplied by each applicant set forth in **Exhibit B** in connection with its application for a WIIA Grant.

B. To accomplish the purposes of WIIA and provide financial assistance payments to the WIIA Project recipients, the Corporation is hereby authorized to provide WIIA Grants, from appropriated funds, to the applicants set forth in **Exhibit B** subject to continuing compliance with applicable law.

C. The Authorized Officers are each hereby authorized to determine the amount of each WIIA Grant (which amount shall not exceed the amounts authorized herein) and the terms thereof.

## **SECTION 3. GENERAL**

A. All covenants, stipulations, obligations and agreements of the Corporation contained in this Resolution, and in any agreement prepared pursuant to this Resolution, shall be deemed to be the covenants, stipulations, obligations and agreements of the Corporation to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Corporation and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Corporation by the provisions of this Resolution, or by any financing agreement prepared pursuant to this Resolution, shall be exercised or performed by the Corporation or by such directors, officers, board or body as may be required by law to exercise such powers and to perform such duties.

B. No covenant, stipulation, obligation or agreement contained in this Resolution, or in any agreement prepared pursuant to this Resolution, shall be deemed a covenant, stipulation, obligation or agreement of any director, officer, agent or employee of the Corporation in his or her individual capacity and neither the Directors of the Corporation nor any Authorized Officer or Secretary of the Corporation executing any such financing

agreement shall be liable personally thereon or be subject to personal liability by reason of the execution thereof.

C. The Authorized Officers and the Secretary of the Corporation are each individually authorized and directed to execute and deliver any such other agreements or instruments, to do and cause to be done any such other acts and things, and to make such other changes, omissions, insertions, revisions or amendments to each of the documents referred to in this Resolution as they may determine to be necessary or proper for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and any financing agreement prepared pursuant to this Resolution.

D. This Resolution shall take effect immediately.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation

## Exhibit A

### CWSRF Direct Financings (Short-Term and Long-Term Financings and Grants)

#### Short-Term Interest-Free Financings:

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Short-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|------------------|---------------|--|---|--------------------------|
| C8-6481-02-00         | Bergen (V)       | Genesee       | \$393,875  | N/A   | 0%                       |

#### Project Description

This project consists of planning, design and construction of collection system and wastewater treatment plant improvements. The project is defined by the engineering report entitled "Village of Bergen Collection System Study" dated November 2016, last revised May 2021 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Corporation.

#### Short-Term Market-Rate Financings:

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Short-Term<br/>Market-Rate<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Initial<br/>Interest Rate<br/>(not to exceed)</u> |
|-----------------------|------------------|---------------|--|---|--|
| C8-6481-02-00         | Bergen (V)       | Genesee       | \$393,875  | N/A   | 4%   |

#### Project Description

This project consists of planning, design and construction of collection system and wastewater treatment plant improvements. The project is defined by the engineering report entitled "Village of Bergen Collection System Study" dated November 2016, last revised May 2021 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Corporation.

### Long-Term Interest-Free Financings:

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Long-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|------------------|---------------|---|---|--------------------------|
| C9-6630-05-00         | Dunkirk (C)      | Chautauqua    | \$11,387,106  | N/A   | 0%                       |

#### Project Description

This project consisted of planning, design and construction of the City of Dunkirk's Water Pollution Control Upgrade project. The project is defined by the engineering report entitled "Water Pollution Control Upgrade Project" dated December 2017 by the engineering firm Wendel Engineers was approved and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on January 4, 2018. The project was further defined by the engineering report amendment entitled "Water Pollution Control Upgrade Project Amendment #1" dated March 2018 by the engineering firm Wendel Engineers and was made eligible by NYSEFC on March 15, 2018. The project was further defined by the plans and specifications entitled "Water Pollution Control Facility Upgrade Phase I" dated July 2017 by the engineering firm Wendel Engineers that were approved by the New York State Department of Environmental Conservation (NYSDEC) on October 6, 2017 and made eligible by the NYSEFC for Phase I on February 27, 2018; Phase II on September 5, 2018; and approved Phase III on June 6, 2019.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Long-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|------------------|---------------|---|---|--------------------------|
| C1-5146-40-75         | Nassau County    | Nassau        | \$2,794,688   | N/A   | 0%                       |

#### Project Description

This project consists of planning and design for converting the City of Long Beach Water Pollution Control Plant (WPCP) to a pump station and force main for conveyance of wastewater to the Nassau County Bay Park Sewage Treatment Plant (STP). This is a key component of the County's long-term resiliency plan. The Long Beach WPCP currently discharges its effluent to Reynolds Channel and is a source of nutrient loading to the Western Bays. This financing does not include construction. This project is defined by the report entitled, "Technical Memorandum, Conversion of Long Beach Water Pollution Control Plant into a Pump Station", dated February 25, 2015. This report was approved by the New York State Environmental Facilities Corporation (NYSEFC) on March 6, 2015.



| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Long-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|------------------|---------------|---|---|--------------------------|
| C8-6466-03-00         | Seneca Falls (T) | Seneca        | \$2,162,450   | N/A   | 0%                       |

#### Project Description

This project consisted of planning, design and construction of the Town of Seneca Falls' Sanitary Sewer Rehabilitation and Storm Sewer Improvements. The project is defined by the engineering report entitled "Sewer System Evaluation Survey Report" dated June 2016 by the engineering firm Barton & Loguidice and was approved and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on January 23, 2019. The project was further defined by the plans and specifications entitled "Sanitary Sewer Rehabilitation and Storm Sewer Improvements" dated February 2019 by the engineering firm Barton & Loguidice that were approved and made eligible by the NYSEFC on August 28, 2019.

| <u>Project Number</u> | <u>Applicant</u>  | <u>County</u> | <u>Long-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|-------------------|---------------|---|---|--------------------------|
| C5-5559-05-00         | Washington County | Washington    | \$6,549,799   | N/A   | 0%                       |

#### Project Description

This project consisted of planning, design and construction of pump station improvements, and infiltration and inflow mitigation. The project is defined by the engineering report entitled "Washington County Sewer District #2, Fort Edward, Combined Sewer Overflow Phase 1, Long Term Control Plan" dated December 2010, revised December 2011 and June 2012 and prepared by the engineering firm Camp Dresser & McKee and was approved by the New York State Department of Environmental Conservation (NYSDEC) on November 19, 2012 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on May 27, 2015. The project was defined by the plans and specifications entitled "Safe Water Improvements Phase 1 and Sanitary Sewer Replacement, Village of Fort Edward" dated January 2012 by the engineering firm C.T. Male that were approved by the NYSEFC on March 28, 2017. The project was further defined by the plans and specifications entitled "Safe Water Improvements Phase II and Sanitary Sewer Replacement, Village of Fort Edward" dated March 28, 2014 by the engineering firm Chazen Engineering that were approved by the NYSEFC on March 30, 2017. The project was further defined by the plans and specifications entitled "Department of Transportation (NYSDOT), Route 4 Fort Edward to Hudson Falls/Town of Fort Edward" dated October 2002 by New York State Department of Transportation that were approved by the NYSEFC on April 3, 2017. The project was further defined by the plans and specifications entitled "Feeder Canal, River Street and Kelly Avenue, Gravity Sewer Rehabilitation" dated August 2013 by the engineering firm Barton and Loguidice that were approved by the NYSEFC on April 3, 2017. The project was further defined by the plans and specifications entitled "Wastewater Treatment Plant, Energy Performance Contract" dated April 25, 2013 by the engineering firm Barton and Loguidice that were approved by the NYSEFC on March 10, 2017.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Long-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|------------------|---------------|---|---|--------------------------|
| C6-6022-04-00         | Watertown (C)    | Jefferson     | \$6,978,406   | N/A   | 0%                       |

#### Project Description

This project consisted of the planning, design and construction of sludge disposal process modifications at the City of Watertown William T. Field Memorial Water Pollution Control Plant. The project is defined by the engineering report entitled "City of Watertown Preliminary Design Report for Sludge Disposal Process Modifications" dated June 2014 by the engineering firm GHD Consulting Services Inc. that was approved by the New York State Department of Environmental Conservation (NYSDEC) on December 23, 2014 and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on October 3, 2016. The project is further defined by the letter report amendment dated September 15, 2016, approved and made eligible by the NYSEFC on October 3, 2016, and the letter report amendment dated June 3, 2019, approved and made eligible by the NYSEFC on July 23, 2019. The project is further defined by the plans and specifications entitled "Sludge Disposal Process Modifications – Phase 1A" dated February 2017 by the engineering firm GHD that were approved and made eligible by the NYSEFC on July 20, 2017.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Long-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|------------------|---------------|---|---|--------------------------|
| C6-6022-05-00         | Watertown (C)    | Jefferson     | \$742,000   | N/A   | 0%                       |

#### Project Description

This project consisted of design and construction of influent screen replacement and grit system improvements. The project is defined by the engineering report entitled "Influent Screen Replacement and Grit Handling System Improvements" dated June 2017 by the engineering firm GHD Consulting Services Inc. that was approved by the New York State Environmental Facilities Corporation (NYSEFC) on January 29, 2018.

The project is further defined by the plans and specifications entitled "Grit Removal Improvements" dated March 2018 by the engineering firm GHD that were approved and made eligible by the NYSEFC on June 12, 2018 and the plans and specifications entitled "Screening Equipment Improvements" dated August 31, 2017 by the engineering firm GHD that were approved and made eligible by NYSEFC on February 27, 2018.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Long-Term<br/>Interest-Free<br/>Financing<br/>Maximum<br/>Principal<br/>Amount</u> | <u>Maximum<br/>Amount<br/>CWSRF<br/>Grant</u> | <u>Interest<br/>Rate</u> |
|-----------------------|------------------|---------------|---|---|--------------------------|
| C6-6071-02-00         | Yorkville (V)    | Oneida        | \$2,736,013   | N/A   | 0%                       |

#### Project Description

This project consisted of the financing associated with the planning, design and construction of sewer rehabilitation work within the Village of Yorkville. The project is defined by the engineering report entitled "Sewer Rehabilitation Project" dated April 12, 2016, that was approved and made eligible by the New York State Environmental Facilities Corporation (NYSEFC) on September 29, 2016 and Amendment 1 dated October 2, 2019, that was approved and made eligible by the NYSEFC on October 4, 2019, both by the engineering firm O'Brien & Gere Engineers. The project is further defined by the plans and specifications entitled "Sewer Rehabilitation Project" dated September 9, 2016 by the engineering firm O'Brien & Gere Engineers that was approved and made eligible by the NYSEFC on November 4, 2016.

## Exhibit B

### Financial Assistance Payment Recipients (CW WIIA Grants)

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| C8-6481-02-00         | Bergen (V)       | Genesee       | \$256,250                   |

#### Project Description

This project consists of planning, design and construction of collection system and wastewater treatment plant improvements. The project is defined by the engineering report entitled "Village of Bergen Collection System Study" dated November 2016, last revised May 2021 by the engineering firm Clark Patterson Lee, as may be updated, amended, supplemented, and approved by the Corporation.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| C9-6671-06-00         | Lockport (T)     | Niagara       | \$587,500                   |

#### Project Description

This project consists of construction of pump station upgrades in the Town of Lockport. The project is defined by the engineering report entitled "Sanitary Sewer Pump Station Rehabilitation Project – Phase 2B" dated April 2021 by the engineering firm Wendel, as may be updated, amended, supplemented, and approved by the Corporation.

| <u>Project Number</u> | <u>Applicant</u> | <u>County</u> | <u>Maximum Grant Amount</u> |
|-----------------------|------------------|---------------|-----------------------------|
| C7-6361-06-00         | Owego (V)        | Tioga         | \$175,000                   |

#### Project Description

This project consists of construction of wastewater treatment plant upgrades. The project is defined by the engineering report entitled "Engineering Report for Plan Approval for WWTP Disinfection Improvements" dated October 1, 2019 by the engineering firm Hunt Engineers, as may be updated, amended, supplemented, and approved by the Corporation.

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation



# Environmental Facilities Corporation

## RESOLUTION NO. 2874

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION EXPRESSING THANKS AND APPRECIATION TO BARBARA A. SPRING FOR HER OUTSTANDING SERVICE TO THE CORPORATION

WHEREAS, Barbara A. Spring joined the Corporation on March 29, 1993 and has faithfully and with honor, integrity and distinction served the Corporate Operations Division; and

WHEREAS, Barbara A. Spring retired from state service as Senior Accounting Manager effective October 28, 2021; and

WHEREAS, the Board of Directors (the "Board") of the Corporation wishes to accord special recognition to Barbara A. Spring for her outstanding and dedicated service to the Corporation and the State of New York for more than twenty-eight years.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION assembled on the fourth day of November 2021, hereby express and convey their deep and sincere gratitude and heartfelt appreciation to Barbara A. Spring and extend to her their congratulations and sincere good wishes on her retirement.

\_\_\_\_\_  
Basil B. Seggos, Chair  
NYS Department of Environmental Conservation

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Roger Sokol for Howard A. Zucker  
NYS Department of Health

\_\_\_\_\_  
James Leary for Rossana Rosado  
NYS Department of State

\_\_\_\_\_  
Francis T. Corcoran

\_\_\_\_\_  
Vita DeMarchi

\_\_\_\_\_  
Charles Kruzansky

\_\_\_\_\_  
Adam Zurofsky

By: \_\_\_\_\_/s/\_\_\_\_\_

Thomas E. Baines  
Secretary to the Corporation